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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,984	11/30/2000	Steve Lemke	PALM-3280.US.P	6291
7590 04/08/2004 WAGNER, MURABITO & HAO LLP Two North Market Street Third Floor San Jose, CA 95113			EXAMINER AKPATI, ODAICHE T	
			ART UNIT 2135	PAPER NUMBER
			DATE MAILED: 04/08/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/727,984

Applicant(s)

LEMKE, STEVE

Examiner

Tracey Akpati

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 9-21 are objected to because of the following informalities: The claims are misnumbered. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Borza (WO98/12670).

With respect to Claim 1, the limitation of “gaining access to said computer network by use of a portable computing device” is met on page 5, lines 18-24; and “reading biometric data peculiar to a user by the use of a biometric data reader coupled to said portable computing device” is met on page 8, lines 16-17 and on page 9, lines 11-15; and “comparing said biometric data to biometric data stored in said computer network for the purpose of identifying the user” is met on page 8, lines 27-28; and “denying further access to said computer network if said data comparison fails to identify said user as an authorized user” is met on page 16, lines 11-19.

With respect to Claim 2, the limitation of “wherein said access to said computer network is by use of a wireless connection” is met on page 7, lines 28-30.

With respect to Claim 3, the limitation of “said biometric data is a fingerprint” is met on page 9, lines 13-15.

With respect to Claim 4, the limitation of “wherein said biometric data is an iris scan” is met inherently on page 11, lines 18-21.

With respect to Claim 6, the limitation of “said biometric data can be programmed into said portable computing device by a remote station on said computer network” is met on page 19, lines 1-5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borza (WO 98/12670) with respect to Kramer (6442286 B1).

With respect to Claim 5, all the limitation is met by Borza except the limitation disclosed below.

The limitation of “wherein said biometric data comprises one or more measured electrical characteristics” is met by Kramer on column 3, lines 63-67.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kramer with Borza because this is an effective way to

ensure that fingerprint being read is coupled to a living human being (Kramer, column 3, line 67, column 4, lines 1-3).

Claims 7, 9, 10, 12-14, 16-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borza (WO98/12670) with respect to Helferich (6087956).

With respect to Claim 7, all the limitation is met by Borza except the limitation disclosed below.

The limitation of “wherein said biometric data can be removed from said portable computing device by a remote station on said computer network” is met in the abstract of Helferich.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Helferich within the system of Borza so as to conserve memory space at the portable device (Helferich, abstract).

With respect to Claim 9, the limitation of “wherein said biometric data is a fingerprint” is met by Borza on page 9, lines 13-15.

With respect to Claim 10, the limitation of “wherein said biometric data is an iris scan” is met inherently by Borza on page 11, lines 18-21.

With respect to Claim 12, all the limitation is met by Borza except the limitation disclosed below.

The limitation of “wherein said biometric data stored in said portable computing device can be controlled by a remote station on said computer network” is met by Helferich in the abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Helferich within the system of Borza so as to enable the data to be remotely manipulated. If the data can be remotely manipulated, this can save the administrator time and money that could have been used to having the user mail/ship in the device to the administrator if it is not functioning correctly, to enable the device to be fixed.

With respect to Claim 13, the limitation of “a computer network, said computer network comprising one or more computer workstations, wherein access to said computer network is provided by said workstations” is met by Borza on page 8, lines 27-30; and “a portable computing device, said portable computing device providing wireless access to said computer network” is met on page 7, lines 27-31 and page 8, lines 1-3 of Borza; and “a biometric data reading device coupled to said portable computing device” is met by Borza on page 8, lines 16-17 and “a data storage device for storing biometric data capable of identifying one and only one user” is met by Borza on page 8, lines 26-29. Borza does not disclose the limitation disclosed below.

The limitation of “a wireless communication device coupled to said computer network, capable of enabling the loading and removing of said biometric data stored in said portable computing device” is met by Helferich in the abstract.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Helferich within the system of Borza so as to enable the data to be remotely manipulated. If the data can be remotely manipulated, this can save the administrator time and money that could have been used to having the user mail/ship in the device to the administrator if it is not functioning correctly, to enable the device to be fixed.

With respect to Claim 14, Borza meets the limitation of "a bus, a memory unit coupled to said bus" is met inherently on Fig. 7; and "a data storage device coupled to said bus, capable of storing said biometric data" on page 8, lines 26-29 and on Fig. 8; and "a biometric data reader coupled to said bus" on page 8, lines 16-17; and "a communication device coupled to said bus for communicating with a computer network" is met by the transmitter on Fig. 6; and "a processor coupled to said bus, said processor for performing a method for identifying a user by use of said biometric data, said method comprising the steps of reading applicable biometric data; and comparing said biometric data with said biometric data stored in said memory unit" on page 3, lines 27-30.

With respect to Claim 16, the limitation of "wherein said biometric data reader is implemented as part of the portable computing apparatus" is met by Borza on page 8, lines 16-17.

With respect to Claim 17, the limitation of "wherein said biometric data is a fingerprint" is met by Borza on page 9, lines 13-15.

With respect to Claim 18, the limitation of “wherein said biometric data is an iris scan” is met inherently by Borza on page 11, lines 18-21.

With respect to Claim 19, the limitation of “wherein said biometric data is any electronically storable identifying biometric data” is met by Borza on page 9, lines 13-15.

With respect to Claim 21, the limitation of wherein said computer network further comprises a remote station connected to said computer” is met by Borza on page 8, lines 19-20.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Borza (WO98/12670) in view of Tomko et al (5712912).

With respect to Claim 8, Borza meets the limitation of “reading biometric data peculiar to a user” on page 9, lines 11-15; and “comparing said biometric data with previously stored biometric data for the purpose of identifying the user” is met on page 8, lines 27-28; and “preventing access in the user is not identified as an authorized user” is met on page 16, lines 11-19. Borza however does not meet the limitation disclosed below.

The limitation of “storing said biometric data in said portable computing device” is met by Tomko on column 1, lines 32-40.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tomko within the system of Borza because storing of biometric data at the computing device saves the time it would have taken to download the



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biometric data from a remote storage, when later needed. Hence, the data can be accessed as quickly as possible.

Claims 11, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borza (WO98/12670) in view of Helferich (6087956) in further view of Kramer (6442286 B1).

With respect to Claim 11 and 20, all the limitation is met by the combination of Borza and Helferich except the limitation disclosed below.

The limitation of “wherein said biometric data comprises one or more measured electrical characteristics” is met by Kramer on column 3, lines 63-67.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kramer within the combination of Borza and Helferich because this is an effective way to ensure that fingerprint being read is coupled to a living human being (Kramer, column 3, line 67, column 4, lines 1-3).

With respect to Claim 22, all the limitation is met by the combination of Borza, Helferich and Kramer except the limitation disclosed below.

The limitation of “uploading said biometric data from said portable computing apparatus” is met by Borza on page 8, lines 19-20; and “downloading said biometric data to said portable computing apparatus” is met by Borza on page 11, lines 1, 8-9 and 16-18. The combination of Borza and Kramer however does not meet the limitation disclosed below.

The limitation of “erasing said biometric data from said portable computing apparatus” is met by Helferich in the abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Helferich with the combination of Borza and Kramer because erasing the data from the portable device helps in freeing memory in the portable device that could be used for other higher priority data.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borza(WO98/12670) in view of Helferich (6087956) in further view of Maes et al (6016476).

With respect to Claim 15, all the limitation is met by the combination of Borza and Helferich except the limitation disclosed below.

The limitation of “wherein said portable computing apparatus is a personal data assistant (PDA)” is met by Maes et al in the abstract.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Maes et al within the combination of Borza and Helferich because a PDA is a well known portable device.

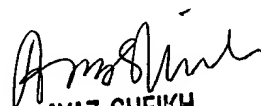
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 703-305-7820. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA

  
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